

Burn gives two reasons for being opposed to our submission. First, he states there is 'nomenclatural confusion attending the species name *rueppellii*'. In our opinion there is no confusion in the use of the name *Fryeria rueppellii* Bergh, other than in spelling. Secondly, he states that use of '*pustulosa* Gray will not cause instability'. As most authors have deliberately avoided this usage to prevent confusion, Burn's prediction is not well-founded. Paragraph 8 of our original submission (BZN 46: 162) shows that confusion has been caused by the misapplication of the names *P. pustulosa* Cuvier and *F. pustulosa* Gray.

Despite the above comments by Holthuis and Burn we still feel that our interpretation of the Code and of the situation is correct. Our aim is to have *Fryeria rueppellii* Bergh, 1869 (new name for *Phyllidia pustulosa* sensu Rüppell & Leuckart non Cuvier, i.e. *Fryeria pustulosa* Gray, 1853) designated as the type species of *Fryeria*. We would be happy for the Commission to reach this decision by any appropriate procedure.

Additional references

- Burn, R. 1975. A list of dorid nudibranchs of Australia (Gastropoda, Opisthobranchia). In Thompson, T.E. Dorid nudibranchs from eastern Australia (Gastropoda, Opisthobranchia). *Journal of Zoology, London*, 176: 477–517.
- Risbec, J. 1956. Nudibranches du Vietnam. *Archives du Muséum National d'Histoire Naturelle, Paris*, 7(4): 1–34.

Comment on the proposed precedence of *Bathynomus* A. Milne Edwards, 1879 (Crustacea, Isopoda) over *Palaega* Woodward, 1870 (Case 2721; see BZN 47: 27–29, 212–213)

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Palaega Woodward, 1870 was established as a genus of isopods nine years prior to the establishment of *Bathynomus* A. Milne Edwards, 1879. The name *Palaega* has been used repetitively throughout the period from 1870 to the present and for this reason must be considered a valid name. The group is well known in paleontological literature and, for that reason alone, there is no substantive basis for sustaining the proposed exercise of the plenary powers of the Commission to have *Bathynomus* considered the name of precedence.

Description of *Palaega goedertorum* Wieder & Feldmann, 1989 has established the synonymy of *Palaega* and *Bathynomus* with much greater certainty than had been possible previously, based upon preservation of the entire dorsal carapace. The morphological similarity of specimens referred to *Palaega goedertorum*, *P. carteri* Woodward (type species of the genus) and *Bathynomus giganteus* A. Milne Edwards (type species of *Bathynomus*) permits clear demonstration of the generic synonymy. Although Martin & Kuck (BZN 47: 27–29) point out that many isopod genera cannot be identified unequivocally by examination of the dorsal carapace their argument is not valid in this case. In point of fact, *Palaega* (= *Bathynomus*) can be clearly distinguished from other isopod genera by the anatomy of the dorsal surface.

Martin & Kuck (their para. 2) correctly observe that some fossil forms have been wrongly assigned to *Palaega*. This was previously noted by Wieder & Feldmann (1989), who suggested removal of certain species from the genus. Nevertheless, improper assignment to a properly proposed and defined genus does not, and cannot, warrant even conditional suppression of its name.

Martin & Kuck (para. 3) suggest that the synonymy of *Palaega* and *Bathynomus* is 'unlikely to be followed by other workers'. Although some workers may exercise the subjective judgement that *Palaega* and *Bathynomus* are not synonymous, those that do accept the synonymy have no recourse but to adopt the senior name. Wieder & Feldmann (1989) did not accept the priority of *Palaega* on any basis other than clear demonstration of subjective synonymy and application of the rules of priority. To do otherwise would clearly not be in the best interest of stability of nomenclature.

The suggestion by Martin & Kuck (their para. 4) that giving *Bathynomus* precedence over *Palaega* would serve the interests of stability and would avoid confusion is false. *Palaega* is as well known in paleontological literature as *Bathynomus* is in neontological literature. No criteria are defined in the Code for the conditional suppression of a senior subjective synonym other than the maintenance of a stable and universally acceptable nomenclature (Article 79). The only argument that would seem to apply in this case would be that names proposed for living organisms should be given precedence over those originally based on fossils. I argue that that concept must be rejected.

Therefore, no substantive basis for exercise of the plenary powers to reject *Palaega* Woodward, 1870 in favor of *Bathynomus* A. Milne Edwards, 1879 has been established, and I suggest that the proposals on BZN 47: 28 be denied.

Editorial Note. The comments below are from members of the Nomenclature Committee of The Crustacean Society (Secretary: R.B. Manning, *National Museum of Natural History, Washington, D.C. 20560, U.S.A.*)

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Martin & Kuck have presented a well argued case for precedence of *Bathynomus* over *Palaega*. Doubt about the states of many characters of fossils will always remain no matter how well preserved they are and it follows that the synonymy of fossil taxa with modern forms can only be questionable. Authors who suggest otherwise express only a subjective opinion which is unlikely to receive support from the majority. We certainly do not support such a view and one of us (G.C.B.P.), in a work in progress with N.L. Bruce, will not accept the precedence of *Palaega*. This attitude is supported when one looks at the most recent diagnosis of *Bathynomus* (Bruce, 1986). Most of the characters diagnosing the genus are not discernible in many fossils.

The proposal before the Commission should be unnecessary but we support it nevertheless.